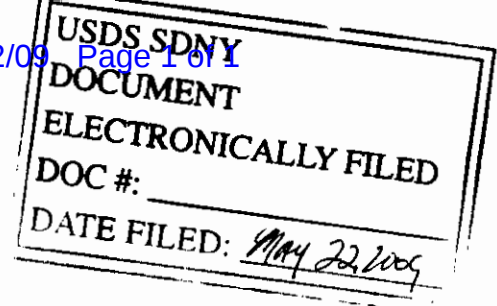


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



PERMASTEELISA NORTH AMERICA
CORP.,

Plaintiff,

-v-

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Defendant.

No. 09 Civ. 1836 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court held an initial conference in this matter on May 20, 2009. The day before the initial conference, Defendant filed a pre-motion letter, informing the Court that it intended to move for summary judgment. At the May 20, 2009 conference, the Court instructed Plaintiff to respond to Defendant's letter by May 22, 2009. The Court is now in receipt of Plaintiff's letter, dated May 22, 2009, which argues that Defendant's intended motion is premature given the lack of discovery. The Court agrees with Plaintiff, and denies Defendant's request to file a motion for summary judgment as pre-mature. The Court hereby orders the parties to submit a jointly prepared proposed Case Management Plan and Scheduling Order, setting forth a discovery schedule for the discovery necessary for the parties' intended motions for summary judgment. The proposed schedule shall be submitted no later than Monday, June 8, 2009, and should be submitted to the chambers email address at sullivannysdchambers@nysd.uscourts.gov.

SO ORDERED.

Dated: May 22, 2009
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE